

VIA PRIORITY MAIL EXPRESS

In re: Aqueous Film-Forming Foams Product Liability Litigation
c/o Notice Administrator Steven Weisbrot
Angeion Group
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

November 29, 2023

Re: Request for Exclusion from *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG, MDL No. 2:18-mn-2873-RMG, U.S. District Court for the District of South Carolina

Dear Mr. Weisbrot,

Enclosed please the Little Hocking Water Association's request to be excluded from the settlement agreement and settlement class in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG, MDL No. 2:18-mn-2873-RMG.

Sincerely,

A handwritten signature in blue ink that reads 'Justin D. Newman'.

Justin D. Newman
An attorney for the Little Hocking Water Association

cc: John Smith, General Manager of the Little Hocking Water Association

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

This Document Relates to:

City of Camden, et al. v. E.I. du Pont de

Nemours & Company, et al.,

Case No. 2:23 cv-03230-RMG

REQUEST FOR EXCLUSION

The Little Hocking Water Association, Inc. requests to be excluded from the Settlement Class and Settlement Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG. This request is being filed in accordance with the December 4, 2023 opt out deadline contained in Paragraph 9.7 of the proposed Settlement Agreement in this case and the Order granting preliminary approval at ECF 3603.

The Little Hocking Water Association, absent this Request for Exclusion, would be eligible to participate as a Settlement Class Member. *Smith Affidavit*, Ex. 1, ¶ 5. Hence, LHWA has standing to request exclusion. Proposed Settlement Agreement Paragraph 9.7.1.1.

Undersigned counsel and the Association’s general manager have been legally authorized to exclude the Little Hocking Water Association from the Settlement Class and Settlement Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG. *Newman Affidavit*, Ex. 2, ¶ 4; *Smith Affidavit*, Ex. 1, ¶ 6.

Little Hocking therefore respectfully requests that it be excluded from the Settlement Class and DuPont Agreement.

Dated: November 29, 2023.

Respectfully submitted,

/s/ Justin D. Newman

Justin D. Newman (Ohio Bar # 0080968)

D. David Altman (Ohio Bar # 0021457)

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Attorneys for the Little Hocking Water Association

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2023, a copy of the forgoing was electronically filed with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties in the case, including Counsel for Settling Defendants and Class Counsel, by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, Counsel for Settling Defendants and Class Counsel were served via first-class mail at the addresses in the Notice of DuPont Class Action Settlement.

In addition, the foregoing Request for Exclusion and attachments was sent via Priority Mail Express, for overnight delivery, to the Notice Administrator at:

In re: Aqueous Film-Forming Foams Products Liability Litigation
c/o Notice Administrator
Steven Weisbrot
Angeion Group, LLC
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

/s/ Justin D. Newman

Justin D. Newman (Ohio Bar # 0080968)
Attorney for the Little Hocking Water Association

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
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)
) MDL No. 2:18-mn-2873-RMG
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) **This Document Relates to:**
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) *City of Camden, et al. v. E.I. du Pont de*
) *Nemours & Company, et al.,*
) Case No. 2:23 cv-03230-RMG
)

**AFFIDAVIT OF JOHN SMITH, GENERAL MANAGER OF THE LITTLE HOCKING
WATER ASSOCIATION**

I, John Smith, hereby declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the following is true and correct.

1. I am over the age of eighteen and have personal knowledge to the facts stated herein.
2. I submit this declaration, pursuant to the requirements in Paragraph 9.7.1, in support of the Little Hocking Water Association's Request for Exclusion from the proposed Settlement Class and Settlement Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG.
3. I am the General Manager of the Little Hocking Water Association (LHWA), which is a nonprofit Ohio corporation overseen by its Board of Trustees (the Little Hocking Board). I report to the Little Hocking Board.
4. Pursuant to Paragraph 9.7.1.3., LHWA's contact information is:
 - Address: 3998 Newbury Road, Little Hocking, Ohio 45742 in Washington County
 - Phone number: (740) 989-2181
 - Facsimile number: (740) 989-5543

- Email address: jsmith@littlehockingwater.org

5. Pursuant to Paragraph 9.7.1.1., LHWA would be a Settlement Class Member absent this Request for Exclusion. LHWA owns and operates a system for the provision of water to the public for human consumption through pipes and other constructed conveyances for more than 15 service connections and regularly serves more than 25 individuals. LHWA's four production wells draw from the aquifer underlying its wellfield. Raw water drawn by these wells has been tested and analyzed for PFAS prior to June 30, 2023 and been found to contain elevated levels of several PFAS. And, as of June 30, 2023, LHWA is subject to the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5). Further, LHWA received notice that it would be a member of the proposed class absent a request for exclusion.

6. The Little Hocking Board has determined that it is in the best interests of LHWA to opt out of the Settlement Class and Settlement Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG and has authorized and directed me and counsel to complete and execute all documents needed to opt out of the Settlement Class and Settlement Agreement.

Executed this 29th day of November, 2023 in Little Hocking, Ohio.



John Smith

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

This Document Relates to:

City of Camden, et al. v. E.I. du Pont de

Nemours & Company, et al.,

Case No. 2:23 cv-03230-RMG

AFFIDAVIT OF JUSTIN D. NEWMAN

I, Justin D. Newman, hereby declare under penalty of perjury in accordance with 28 U.S.C. § 1746 and Paragraph 9.7.1 of the proposed class action settlement agreement in the above captioned case that the following is true and correct.

1. I am over the age of eighteen and have personal knowledge of the facts stated herein.

2. I submit this declaration in support of the Little Hocking Water Association's Request for Exclusion from the Settlement Class and DuPont Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG.

3. I am Vice President of the AltmanNewman Co., LPA law firm. I have represented the Little Hocking Water Association in PFAS-related litigation since 2006.

4. I certify that my law firm has been authorized to complete and execute all documents needed to request that the Little Hocking Water Association be excluded from the Settlement Class and DuPont Agreement in *City of Camden, et al. v. E.I. du Pont de Nemours & Company, et al.*, Case No. 2:23 cv-03230-RMG.

5. On behalf of Little Hocking Water Association, we respectfully request that Little Hocking be excluded from the Settlement Class and DuPont Agreement.

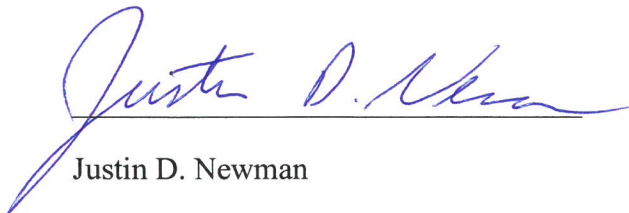
6. The affidavit of John Smith showing that the Little Hocking Water Association has standing to request exclusion from the Settlement Agreement is included as an attachment to the Request for Exclusion. *DuPont Agreement*, ¶ 9.7.1.1.

7. The name, address, telephone and facsimile numbers, and email address of counsel representing the Little Hocking Water Association are:

- Justin D. Newman
 - Address: 15 East 8th Street, Suite 200W, Cincinnati, Ohio 45202
 - Phone: (513) 721-2180
 - Fax: (513) 721-2299
 - Email: jnewman@environlaw.com
- D. David Altman
 - Address: 15 East 8th Street, Suite 200W, Cincinnati, Ohio 45202
 - Phone: (513) 721-2180
 - Fax: (513) 721-2299
 - Email: daltman@environlaw.com

DuPont Agreement, ¶ 9.7.1.2.

Executed this 29th day of November, 2023 in Cincinnati, Ohio.


Justin D. Newman